

REMARKS

Claims 1-10 are pending in the above-identified patent application. Claims 1, 2, 6, 9 and 10 have been amended, and new Claims 11-14 have been submitted for consideration by the Examiner. Applicants respectfully request reconsideration and allowance of this patent application.

Applicants respectfully submit that the amendment to Claim 1 overcomes the 112 rejection. Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 1, 3, 9 and 10 under 35 U.S.C. 102(b) as being anticipated by Miyata (U.S.P.N. 3,717,599), is respectfully traversed.

Miyata fails to disclose polyvinyl alcohol and, therefore, cannot anticipate each and every claimed limitation. Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 1, 3, 9 and 10 under 35 U.S.C. 102(b) as being anticipated by Hen (U.S.P.N. 5,089,150), is respectfully traversed.

Hen fails to disclose polyvinyl alcohol and, therefore, cannot anticipate each and every claimed limitation. Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 1-6, 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Bier (U.S.P.N. 4,792,357), is respectfully traversed.

As recognized by the Office Action the disclosure of Bier does not disclose, teach or suggest the claimed composition. While Bier may disclose a long list of compounds that are related to the claimed composition, there is no reason for selecting each of components within the scope of the claimed composition. It is just as reasonable that one of ordinary skill in this art would select other compounds and arrive at a composition unrelated to the claimed invention. That is, after reviewing the disclosure of Bier, a skilled person in this art would be more likely to select saccharose, silicone oil, polyethyleneglycol, among other compounds actually demonstrated in Bier's examples

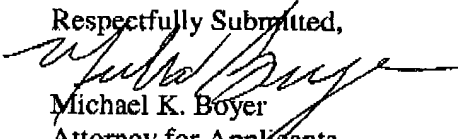
instead of polyvinyl alcohol (PVA), and if some reason PVA was selected there is no basis for combining the selected PVA with another compound selected from another list (and then selecting yet additional compounds from other lists). Applicants respectfully submit that, in the absence of Applicants' disclosure, a skilled person in this art would lack the requisite motivation to "pick and choose" from the compounds of Bier in order to arrive at the claimed invention. Applicants respectfully submit that whether something "is obvious to try" or "select" cannot support a prima facie case of obviousness and, accordingly, request withdrawal of this rejection.

The rejection of Claims 1, 3, 5 and 7 under 35 U.S.C. 103(a) as being unpatentable over WO 96/12770, is respectfully traversed.

Similar to the discussion above regarding Bier, Applicants respectfully submit that a skilled person in this art would lack the requisite motivation to "pick and choose" or "select" compounds from various lists of WO '770 in a manner that would arrive at the claimed invention. Applicants, therefore, respectfully submit that WO '770 cannot establish a prima facie case of obviousness and request withdrawal of this rejection.

Applicants believe that the pending claims define patentable subject matter and respectfully request issuance of a Notice of Allowability. Should there be any fee due in connection with this application, please charge the same to Deposit Account No. 15-0680 (ORSCHELN MANAGEMENT CO.). Should the Examiner deem that any further action on the part of Applicants would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,


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